

08/25/00  
JC916 U.S. PTO

08-28-00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application ) PATENT APPLICATION  
Inventor(s): David Yinkai Chao )  
SC/Serial No.: Unknown )  
Filed: Herewith )  
Title: EYEGLOSS COMBINATION HAVING )  
AN AUXILIARY FRAME )

JC936 U.S. PTO  
09/648071  
08/25/00

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. §1.10

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I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Assistant Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

Matthew Mahling (Signature)  
Matthew Mahling  
Signature Date: August 25, 2000

CONTINUATION APPLICATION TRANSMITTAL LETTER  
UNDER 37 C.F.R. §1.53(b)(1)

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Transmitted herewith for filing as a X continuation \_\_\_ divisional application under the continuing application procedure of 37 C.F.R. §1.53(b)(1) is a patent application identified as follows:

Title: EYEGLOSS COMBINATION HAVING AUXILIARY FRAME

Inventor(s): David Yinkai Chao

No. of Pages in Specification: 11, No. of Claims: 9.

No. of Sheets of Drawings: 1; Formal: \_\_\_ or Informal: X.

09/25/00 08:25:00

# Identification of Prior Complete Application

SC/Serial No.: 08/847,711

Art Unit: 2873

Filed: 04/28/1997

Examiner: Dang, H.

Title: EYEGLASS COMBINATION HAVING AUXILIARY FRAME

Inventor(s): David Yinkai Chao

Delete the Following Inventor(s) for This Application: (none)

## Declaration

☒

A copy of the Declaration (signed by all inventors) from the Prior Complete Application is submitted herewith.

## Amendments

\_\_\_\_\_

Please CANCEL in this application original claims \_\_\_\_\_ of the prior complete application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.) However, if this instruction results in cancellation of all original claims, please instead retain the lowest numbered original claim.

\_\_\_\_\_

Please AMEND the specification by [deleting the amendatory sentence before the first line of the application and inserting therefor:] [inserting before the first line of the application:] "This application is a \_\_\_\_\_ of Serial No. \_\_\_\_, filed \_\_\_\_\_, [now abandoned,] [which is a continuation of Serial No. \_\_\_\_, filed \_\_\_\_\_]."

\_\_\_\_\_

A preliminary amendment is enclosed. Please enter the preliminary amendment before calculating the application filing fee. (Claims added must be consecutively numbered beginning with next number after highest number in prior complete application.)

## Petition for Extension of Time to Respond

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No extension of time is required for the prior complete application.

\_\_\_\_\_

Pursuant to 37 C.F.R. §1.136(a), enclosed is a petition for an extension of time for the prior complete application, up to and including today, for responding to the Office action together with the fee set by 37 C.F.R. §1.17.

### Power of Attorney

☒ A power of attorney appears in the prior complete application.

☐ A new power of attorney is submitted herewith.

### Assignment

☒ The prior application is assigned of record to:  
Contour Optik, Inc.

☐ An assignment of the invention to: \_\_\_\_\_ is submitted herewith,  
together with an ASSIGNMENT RECORDATION FORM COVER SHEET  
and recordal fee of \$40.00.

### Claim of Priority

☐ Priority of foreign application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, in \_\_\_\_\_  
is claimed under 35 U.S.C. §1.119.

☐ The certified copy was filed in prior U.S. application Serial No. \_\_\_\_\_, filed  
\_\_\_\_\_.

### Small Entity Statement

☐ Statement(s) claiming small entity status is (are) submitted herewith.

☒ Statement(s) claiming small entity status was filed in the grandparent  
application Serial No. 08/847,711, on April 28, 1997 and its benefit under 37  
C.F.R. §1.28(a) is hereby claimed.

### Also Enclosed Are:

☐ An Information Disclosure Statement under 37 C.F.R. §1.56.

## Filing Fee

The continuation/divisional patent application filing fee is calculated as shown below:

No. Filed	No. Extra		Rate Small Entity/ Other Than Small Entity		
Basic Fee			\$345.00 \$690.00	=	\$345.00
Total Claims <u>9</u> ** - 20 = <u>0</u> *		X	\$ 9.00 \$ 18.00	=	\$-0-
Independent Claims <u>3</u> ** - 3 = <u>0</u> *		X	\$ 39.00 \$ 78.00	=	\$-0-
First Presentation of Multiple Dependent Claim(s) ____			\$130.00 \$260.00	=	\$-0-
Total PATENT APPLICATION FILING FEE:					\$345.00

\* If the difference is less than zero, enter "0".

\*\* Count claims after any amendment.

## Method of Payment of Fees

The total fee associated with this communication is calculated as follows:

Patent application filing fee	\$345.00
Net fee for extension of time (See attached petition)	\$
Assignment recordal fee (See attached cover sheet)	\$
TOTAL FEE DUE:	\$345.00

X A check in the amount of the TOTAL FEE DUE is enclosed.

X The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A **duplicate** copy of this CONTINUATION OR DIVISIONAL APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R. §1.53(b)(1) form is enclosed.

**Correspondence Address**

All correspondence should be addressed as follows:

Sheldon R. Meyer, Esq.  
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San Francisco, California 94111-4156  
Telephone (415) 362-3800

Direct all telephone calls to the undersigned attorney at (415) 362-3800.

Respectfully submitted,

Date: August 25, 2000

By: 

Brian I. Marcus  
Reg. No. 34,511

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